

**THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

In re:

Chapter 13

NICHOLAUS SWEATT,

Case No. 24-10787-cjf

Debtor.

**OBJECTION TO CONFIRMATION
OF CHAPTER 13 PLAN**

Yvonne K. Edmunds (“Creditor”), through her attorney, J. David Krekeler of Krekeler Law, S.C., hereby objects to the confirmation of Nicholas Sweatt’s (“Debtor’s”) Chapter 13 plan, and in support thereof, allege as follows:

1. The Debtor filed his Chapter 13 petition on April 22, 2024. The Debtor is “below-median” debtor according to his Schedule 122-C.
2. The Creditor is an unsecured creditor of the Debtor.
3. The Debtor’s Chapter 13 plan does not comply with the provisions of Chapter 13 of the Bankruptcy Code (the “Code”), in that:
 - a. The Debtor’s Chapter 13 plan does not comply with the provisions of 11 U.S.C. § 1325 as required under 11 U.S.C. § 1325(a)(1).
 - b. The Debtor’s Chapter 13 plan has not been proposed in good faith as required under 11 U.S.C. § 1325(a)(3).
 - c. The Debtor’s plan does not provide for the Debtor’s unsecured creditors with the value, as of the effective date of the plan, of property equal to what each allowed unsecured claim would have otherwise received if this case were a case under Chapter 7 of the Code, as required under 11 U.S.C. § 1325(a)(4). The Debtor’s bankruptcy schedules misstate the current value of the property based on its use of

Zillow and relies on a dated sale amount as the basis for its valuation.

Furthermore, the Debtor grossly underestimates the value of the Debtor's primary residence, with the home's value ranging closer to between \$700,000.00 and \$900,000.00 per Homes.com, Redfin.com, and Realtor.com before deducting for cost of sale.

- d. The filing of the Debtor's petition was not in good faith as required under 11 U.S.C. § 1325(a)(7). The Debtor has minimal creditors and the purpose of the filing of the Debtor's petition was to avoid and further delay litigation with the Creditor.

WHEREFORE, counsel for the Creditor requests a hearing, that the Court deny confirmation of the Debtor's Chapter 13 plan or require modification of the plan to increase the payments to unsecured creditors, and for other just and equitable relief that the Court deems fair and appropriate.

Dated this 19th day of June 2024.

RESPECTFULLY SUBMITTED:

By: 

Noe J. Rincon
State Bar No. 1124893
Attorney for the Creditor;
Yvonne K. Edmunds

KREKELER LAW, S.C.
26 Schroeder Court, Suite 300
Madison, WI 53711
(608) 258-8555
(608) 663-0287 (fax)

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In re:

Chapter 13

NICHOLAUS SWEATT

Case No. 24-10787-cjf

Debtor.

AFFIDAVIT OF MAILING

The undersigned, being first duly sworn on oath, deposes and says that on June 19, 2024, the Objection to Confirmation of Chapter 13 Plan was electronically filed with the Clerk of Court and served upon the United States Trustee, the Debtor's attorney, and any other person designated by the Court using the ECF system.

The undersigned, being first duly sworn on oath, deposes and says that on June 19, 2024, the undersigned mailed, properly enclosed in a postpaid envelope, a copy of the Objection to Confirmation of Chapter 13 Plan to all on the attached matrix.

By: Genesis McCarthy
Genesis McCarthy

Subscribed and sworn to before me
on June 19, 2024.

Jan L. Ciha
Jan L. Ciha
Notary Public, State of Wisconsin
My commission expires: 06/19/2027



Label Matrix for local noticing
0758-3
Case 3-24-10787-cjf
Western District of Wisconsin www.wiwb.uscour
Madison
Wed Jun 19 12:55:53 CDT 2024

Citibank
Citicorp Cr Svcs/Centralized Bankruptcy
Po Box 790040
St Louis, MO 63179-0040

IRS - Centralized Insolvency Operations
P.O. Box 7346
Philadelphia, PA 19101-7346

Wade M. Pittman
Pittman & Pittman Law Offices, LLC
702 N Blackhawk Ave, STE 101
Madison, WI 53705-3357

Securities and Exchange Commission
175 West Jackson Boulevard
Suite 900
Chicago, IL 60604-2908

Kimberly Sweatt
5102 Tonyawatha Trail
Monona, WI 53716-2978

Wisconsin Department of Revenue
Special Procedures Unit
P.O. Box 8901
Madison, WI 53708-8901

Bank of America
Attn: Bankruptcy
4909 Savarese Circle
Tampa, FL 33634-2413

Paul & Yvonne Edmunds
7691 Fish Lake Road
Sauk City, WI 53583-9534

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Kimberly P. Sebranek
Laffey, Sebranek, Auby & Ristau, S.C.
16 N Carroll St
Ste 500
Madison, WI 53703-2773

Kristin J. Sederholm
Krekeler Law, S.C.
26 Schroeder Court, Suite 300
Madison, WI 53711-2503

Nicholaus Sweatt
5102 Tonyawatha Trail
Monona, WI 53716-2978

Yvonne Edmunds
7691 Fish Lake Road
Sauk City, WI 53583-9534

Capital One/Menards
Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130-0285

(p)MARK HARRING
ATTN STANDING TRUSTEE
122 WEST WASHINGTON AVENUE SUITE 500
MADISON WI 53703-2758

J. David Krekeler
Krekeler Law, S.C.
26 Schroeder Court, Ste 300
Madison, WI 53711-2503

Secretary of Treasury
Treasury Department
1500 Pennsylvania Avenue N.W.
Washington, DC 20220-0001

Summit Credit Union
Attn: Bankruptcy
1709 Landmark Dr
Cottage Grove, WI 53527-8957

U.S. Trustee's Office
780 Regent Street, Suite 304
Madison, WI 53715-2635

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Mark Harring
122 West Washington Ave.
Suite 500
Madison, WI 53703-2578

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Summit Credit Union

End of Label Matrix	
Mailable recipients	19
Bypassed recipients	1
Total	20